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2387	7590	01/05/2007		
OLSON & HIERL, LTD. 20 NORTH WACKER DRIVE 36TH FLOOR CHICAGO, IL 60606			EXAMINER ONUAKU, CHRISTOPHER O	
			ART UNIT 2621	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/601,712

**Applicant(s)**

AUSTIN, KENNETH

**Examiner**

Christopher Onuaku

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-32 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) 36-39 and 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-3240-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/4/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 3/17/06 have been fully considered but they are not persuasive.

With reference to claim 1, applicant argues that Yuen fails to disclose the limitation wherein the applicant's system requires that the position determining and identification means employ signals from the video output terminal to determine video media position and identify the contents of the video media.

In response, to reproduce (or to output) a recorded program, the related information (e.g., date, time, channel, length or program ID and/or program address) of the program is used to facilitate the search and reproduction of the program. For the

program to be output or reproduced, the reproducing means must inherently have a "video output terminal".

Further, applicant argues, with reference to claim 1, that Yuen fails to disclose the video media position being determined by establishing a match or relationship using data contents stored on the media.

In response, examiner refers applicant to paragraph #0259 and #0260 wherein Yuen discloses the means for address location of tape numbers and addresses using a file mark plus address system. This system writes an absolute address on the control packet 42c (see Fig.4-5) in the form of address packets. The main function of these packets is to serve as "file marks" for search of starting points of programs. When an indexed tape is inserted into the VCR 1, the VCR 1 quickly determines from the address packets the exact current tape location. To search for the starting point of some other program, the VCR 1 either fasts forward or rewinds and monitors the control track of the correct destination address packet. Once this packet is located, the VCR 1 stops and goes back at play speed to land exactly at the destination address packet. It must be noted that when searching for the starting point of a program, for example, the Yuen system is inherently applying a matching technique to establish a relationship with the program being searched for using data contents stored on the media.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-32 and 40-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al. (US. 2003/0194200 A1).

Regarding claim 1, Yuen et al discloses a video storage media control signal (Fig. 1) comprising means (microprocessor controller 31 and VCR control logic 21 of Fig. 1, page 7, paragraph #0162) operable to control a video media storage device with a video output terminal, means (page 9, paragraphs #0182, #0183, and #0184) for determining video media position, means (page 15, paragraphs #0255 and #0257) for identifying the contents of the video media and the position thereof on the media, means (page 43, paragraphs #0531 and #0539) for determining the amount of media available for recording, and means (page 43, paragraphs #0539, #0540, and #0541) providing display of control menus from which video media storage device control options can be selected including selection of material to be recorded, the means for determining video media position and the means for identifying the content of the video media being based on signals present on the video output terminal and the video media position being determined by establishing a match or relationship using data contents stored on the media (page 15, paragraphs #0255, #0257, #0259 and #0260).

Regarding claim 2, Yuen et al discloses the claimed that the video media position is determined by reading position data recorded on the video storage media (page 15, paragraphs #0255 and #0257).

Regarding claim 3, Yuen et al discloses the claimed that the video media position is determined by establishing a match or relationship between a data sequence or data value generated from contents of the media with data sequence or data value generated from contents of the media with data sequences or a data value stored in the memory for one or more video media to which data sequences or a data value incorporate position related information (page 15, paragraphs #0255 and #0257).

Regarding claim 4, Yuen et al discloses the claimed means (page 11, paragraph #0207) for automatically controlling the video media storage device transport functions to locate a desired position on the video media storage devices.

Regarding claim 5, Yuen et al discloses the claimed that the video media storage device is a tape storage device (page 11, paragraph #0207).

Regarding claim 6, Yuen et al discloses the claimed that the means for determining video media (tape) position is based on signals or data received from a tape reading means (page 15, paragraphs #0255 and #0257).

Regarding claim 7, Yuen et al discloses the claimed that control is instigated using an infrared control signal (page 14, paragraph #0248).

Regarding claim 8, Yuen et al discloses the claimed means for encoding the data to be recorded on the tape at prescribed intervals (page 15, paragraphs #0255 and #0257).

Regarding claim 9, Yuen et al discloses the claimed that the data comprises one or more of time code, frame number, total frames and session name (pages 10-11, paragraph #0202).

Regarding claim 10, Yuen et al discloses the claimed wherein the data is recorded in selected vertical blanking intervals (page 15, paragraphs #0255 and #0257).

Regarding claim 11, Yuen et al discloses the claimed that the tape is automatically repositioned to a selected desired position utilizing characterization data determined for the tape storage device (page 11, paragraph #0207).

Regarding claim 12, Yuen et al discloses the claimed reading onto the tape an index of material recorded on the tape which provide readable information identifying the nature of the recorded material and its position on the tape (page 15, paragraphs #0255 and #0257).

Regarding claim 13, Yuen et al discloses the claimed that multiple file indexes are recorded on the tape, one after each recording session (page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 14, Yuen et al discloses the claimed that the successive file indexes are cumulative (page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 15, Yuen et al discloses the claimed memory means (RAM 33 disclosed in page 9, paragraph #0176) external to the tape for holding the content of at least one file index.

Regarding claim 16, Yuen et al discloses the claimed that the signals received from the reading means are the video output signals of the video recorder which

represent contents of the video media, be it the visible content, audio content or closed caption data other signals recorded on the video media, and any of said contents are used to generate a data sequence or data value from which tape position is determined by comparing said data sequence or data value with data sequences or a data value stored in memory (page 11, paragraph #0207 and page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 17, Yuen et al discloses the claimed that the data sequence or data value for a plurality of video media are stored in memory (RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 18, Yuen et al discloses the claimed that at least some of the data sequences of the data value stored in memory have appended thereto data which facilitates reproduction of the image of at least one frame of the sequence (RAM 33 disclosed in page 9, paragraph #0176). Please note that paragraph #0176 describes the memory structure of the RAM 33, which, for example, includes paragraph #0178 of page 9. In paragraph #0178 discloses area 1010 which stores a CDTL pointer 1019 pointing to a CDTL buffer 1024 which stores channel-date-time-length (CDTL) data of future recordings. The CDTL data facilitates reproduction of the programs or sequences, which sequences or programs are stored in tape 42.

Regarding claim 19, Yuen et al discloses the claimed that the memory contains stored images of a plurality of frames taken at intervals along the video media (RAM 33 disclosed in page 9, paragraph #0176).



Regarding claim 20, Yuen et al discloses the claimed means for sending commands to the apparatus to instigate positions of the video media at a desired position, and wherein he desired position is arrived at automatically by reading the video media to obtain position information by establishing a match or relationship between a data sequence or data value generated from contents of the media with data sequences or data vale stored in the memory for one or more video media, which data sequences or data value incorporate position relate information and changing the position of the video media until the desired position has been obtained (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 21, Yuen et al discloses means (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524) for sending commands to the apparatus to instigate positioning of the video media at a desired position, which position is selected from an on screen display, which display comprises one or more screen images of the contents of the video media and wherein the desired position is arrived at automatically by reading the video media to obtain position information, direction or indirectly, and changing the position of the video media until the desired position has been obtained.

Regarding claim 22, Yuen et al discloses the claimed that the contents are stored in electronic memory or on video storage media, be it magnetic or optical, the index comprising a plurality of images corresponding to each of the contents of the video storage medium at different positions thereof and wherein the index is adapted to be read and displayed on a television screen, enabling the selection of one or more of a

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plurality of scenes of the recorded content (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 23, Yuen et al discloses the claimed that selection of the material to be recorded is selected from an electronic programming guide (page 32, paragraphs #0423 and #0424).

Regarding claim 24, Yuen et al discloses the claimed that the contents of the video media are stored in memory in the form of one or more images taken at intervals and images which are available for display on screen (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 25, Yuen et al discloses the claimed that each image has an associated sequence of images stored in memory which can be reviewed by a user command (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 26, Yuen et al discloses the claimed that the images comprise a sample of the contents of the video media at periodic intervals of the video medium (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, page 42, paragraphs #0523 and #0524, and page 15, paragraphs #0255 and #0257).

Regarding claim 27, Yuen et al discloses the claimed that the contents of the memory tape include audio signals (page 7, paragraph #0163).

Regarding claim 28, Yuen et al discloses the claimed that selection provisions allow a user to playback the video starting from the position of any one of the display

images (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 29, Yuen et al discloses the claimed that the selection provisions allow the user to mark the displayed images for recording over (pages 32-33, paragraphs #0427 and #0428).

Regarding claim 30, Yuen et al discloses the claimed (1) issuing the necessary commands to the video storage media device to enable it to play the associated media, (2) reading the video media to determine the content and/or position thereof, (3) using content and/or position related information to determine if sufficient room is available for recording the selections, (4) using the necessary commands to cause said video storage media device to record material based on said selections at a designated position of the media based on calculations of the free space or space marked for overwriting and wherein the contents and/or position of the video media are determined from signals present on the video output terminal (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 31, Yuen et al discloses the claimed the contents and/or position related information is determined by reading data recorded on the tape (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 32, Yuen et al discloses the claimed the contents and/or position related information is determined by comparing or verifying a relationship between a sequence of data signals or a data value generated by reading the contents of the tape with a pre-stored sequence of data signals or data value (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 40, Yuen et al discloses the claimed a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and video recorder or other media device content, wherein selections are made from said television program content and/or data content from other sources for recording onto video tape or other media whereby calculation of available free space on said video tape or other media is displayed and whereby if insufficient space is available for recording original selections may be modified and/or some or all of the video tape or other media contents may be selected for overwriting (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 41, Yuen et al discloses the claimed that the graphical user interface is adapted to display the status of items recorded on video tape or other media as to whether the recorded item has been viewed (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428,

page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 42, Yuen et al discloses the claimed that the graphical user interface is adapted to display information relating to one or more video tapes or other media contents, wherein the contents of said video tape or other media is displayed either graphically or texturally according to the category of the recorded material, said category could be the type of recorded material or whether the item is suitable for a particular age of viewer or whether the items have been viewed or any other criteria (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, page 43, paragraphs #0539, #0540, and #0541, and page 48, paragraphs #0622 and #0623).

Regarding claim 43, Yuen et al discloses a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and/or video recorder or other media device content, wherein said display information comprises a visual representation such as a picture indicating the contents of said television program content and/or data content form other sources such as the Internet and/or video recorder or other media device content (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 44, Yuen et al discloses the claimed that said visual representation are stored in memory, at least temporarily, to permit on screen display

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(page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 45, Yuen et al discloses the claimed that the graphical user interface is adapted to display television program content information by category such as what is currently showing and/or what will be showing next and/or what is showing that day and/or what will be showing that week (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 46, Yuen et al discloses the claimed to filter said television program content by category of user preference such as channel number or type of television program or other category (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO  
12/30/06

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 262 2621**